

**IN THE UNITED STATES DISTRICT FOR THE
WESTERN DISTRICT OF TEXAS,
AUSTIN DIVISION**

JASON LEE VAN DYKE,	§	
<i>Plaintiff,</i>	§	
v.	§	
	§	
THOMAS CHRISTOPHER	§	NO. 1:20-MC-657-LY
RETZLAFF, a/k/a DEAN	§	
ANDERSON, d/b/a BV FILES, VIA	§	
VIEW FILES, L.L.C., and VIAVIEW	§	
FILES,	§	
<i>Defendants</i>	§	

**RETZLAFF’S UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO UNITED
STATES’ AMENDED MOTION TO QUASH DEPOSITION OF “FBI WITNESS”
JAMES MCGIBNEY AND MOTION TO TRANSFER (DOC. 5)**

I. INTRODUCTION

1. Plaintiff Jason Van Dyke¹ sued defendant Thomas Retzlaff for \$100,000,000.00 for libel and other causes of action after Retzlaff filed a grievance against Van Dyke with the State Bar of Texas.²

2. Van Dyke’s suit is pending as No. 4:18-CV-247-ALM; *Van Dyke v. Retzlaff*; in the U.S. District Court for the Eastern District of Texas.

3. The case is set for trial in the U.S. Eastern District of Texas between January 4, 2020, and January 29, 2021. *Id.*

¹ Van Dyke is an attorney whose his license to practice law in Texas is currently suspended. Van Dyke represents himself in this case *pro se*.

² Van Dyke denies the grievance is the basis of his claims. Plaintiff’s Third Amended Complaint in the Eastern District case (“TAC”) ¶ 5.33.

II. FACTS

4. On June 23, 2020, nonparty United States of America filed in this Court a motion to quash Retzlaff's subpoena for the deposition of nonparty witness James McGibney and a motion to transfer the case back to the U.S. District Court for the Eastern District of Texas. (Doc. 3.) The same day, the United States filed an amended version of the same motion. (Doc. 5.)

5. The United States inadvertently failed to serve either Retzlaff or the undersigned counsel with its original or amended motion to quash and motion to transfer.

III. ARGUMENT & AUTHORITIES

6. If Retzlaff had been served with the United States' motions, Retzlaff's response to the motions would have been due for filing in this Court on June 30, 2020. *See* L.R. CV-7(e)(2) (requiring response to be filed within seven days after service of a motion). The United States does not oppose an extension of time for Retzlaff to file his response to its motion to **July 7, 2020**.

IV. CONCLUSION & PRAYER

7. For these reasons, Retzlaff asks the Court to grant this unopposed motion for extension of time to file Retzlaff's response to the United States' amended motion to quash and to transfer (Doc. 5) to **July 7, 2020**. Retzlaff prays for such other and further relief, at law or in equity, as to which he shall show himself justly entitled.

Respectfully submitted,

HANSZEN  LAPORTE

By: /s/ Jeffrey L. Dorrell

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ATTORNEYS FOR DEFENDANT THOMAS RETZLAFF

CERTIFICATE OF CONFERENCE

I hereby certify that on 6-30, 2020, I e-mailed assistant U.S. attorney Kristina Baehr representing nonparty movant United States of America and advised I would be filing the foregoing motion for extension of time to file Retzlaff's response to the United States' motion to quash Retzlaff's deposition of "FBI witness James McGibney" and to transfer this case back to the U.S. Eastern District. Ms. Baehr advised me the United States was NOT opposed to an extension for Retzlaff to file his response until July 7, 2020.

/s/ Jeffrey L. Dorrell

JEFFREY L. DORRELL

CERTIFICATE OF SERVICE

I hereby certify that on 7-1, 2020, the foregoing was electronically filed using the Court's CM/ECF filing system, which will provide notice and a copy of this document to all registered ECF filers in the United States District Court for the Western District of Texas. In addition, the foregoing was served upon nonparty movant James McGibney by e-mail at james@bullyville.com.

/s/ Jeffrey L. Dorrell

JEFFREY L. DORRELL